



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 07581-98
27 October 1999

[REDACTED] SN

Dear Commandant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 October 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Navy Personnel Command dated 17 March and 21 April 1999, copies of which are attached. The Board also considered your letter dated 15 July 1999.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinions. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board wished to advise you that if your current commanding officer supports removing your contested nonjudicial punishment, he or she has the authority, under the Manual of the Judge Advocate General, paragraph 0118.b, to set it aside.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

7581-98

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosures



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

758799

1610
NPC-311
17 March 1999

**MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS**

Via: NPC/BCNR Coordinator (NPC-00XCB)

Subj: CDP [REDACTED], US [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of a punitive letter and associated documentation from his record. The fitness report for the period 15 November 1980 to 23 November 1981 states the member received NJP during that period.

2. Based on our review of the material provided, we find the following:

a. A review of the member's service record revealed the documents in question to be on file in the member's service record. The member signed the report acknowledging the contents and his right to submit a statement. The member's statement and first endorsement are properly reflected in his record.

b. The report and associated documents have been in the member's record for over seventeen years. The petitioner has been promoted from Ensign to Commander with the material in his record.

c. The fact that the member was selected for promotion and increased responsibility with the report in his record, enhancement of future career opportunities and promotion potential is not sufficient reason to remove a fitness report.

d. The member does not prove the report to be unjust or in error.

3. We recommend the member's record remain [REDACTED]

[REDACTED]
Head, Performance
Evaluation Branch



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

7581-99

IN REPLY REFER TO

1611
Ser 834C/616
21 Apr 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters, NPC-OOZCB

Subj: CD [REDACTED] USN, [REDACTED]

Ref: (a) BCNR memo 5420 Pers-00ZCB/NPC00ZCB of 25 Mar 99
(b) CO, NNPS ltr 5800 Ser L 301 of 2 Sep 81
(c) Manual of the Judge Advocate General § 0114

Encl: (1) BCNR file 07581-98 w/service record

1. Reference (a) requested an advisory opinion in response to CDP [REDACTED] request to remove reference (b), a punitive letter of reprimand, and all references to the matter from his officer permanent personnel record. Enclosure (1) is returned as a matter under the purview of BCNR.
2. Reference (b) was filed in [REDACTED] record in accordance with applicable instructions, and appears consistent with the handling of similar cases. [REDACTED] argument that the punitive letter has been a significant obstacle to his career is refuted by his continued Naval Service and promotion(s) to Commander.
3. Reference (c) directs that punitive letters will be filed in the member's official record unless withdrawn or set aside. Accordingly, unless withdrawn or set aside, reference (b) and all references to it should remain in his record.

[REDACTED]
[REDACTED]
[REDACTED]
Captain, U.S. Navy
Director
Personnel Performance & Security
Division